

## Official Proceedings

November 6, 2018  
8:00 am

Chairman Elkin called the meeting of the Stark County Board of Commissioners to order. All members present.

### Agenda

Chairman Elkin asked for any changes to the agenda. Hiring freeze was added.

**MOTION BY:** Commissioner Hoff      **SECOND BY:** Commissioner Kuntz

To approve the agenda as presented with the change.

**DISPOSITION:** Motion carried

### Minutes

The minutes of the October 2<sup>nd</sup>, 2018 Board of County Commissioners meeting were presented.

**MOTION BY:** Commissioner Franchuk      **SECOND BY:** Commissioner Zander

To approve the minutes of the October 2<sup>nd</sup>, 2018 Board of County Commission minutes as presented.

**DISPOSITION:** Motion carried

### Accounts Payable

**MOTION BY:** Commissioner Kuntz      **SECOND BY:** Commissioner Zander

To approve the accounts payable with the supplement as presented.

**DISPOSITION:** Roll call vote. Zander-Aye, Hoff-Aye, Franchuk-Nay, Kuntz-Aye, Elkin-Aye. Motion carried

An invoice for Dave Netzer Painting in the amount of \$4,500 and TMI in the amount of \$619 were presented.

**MOTION BY:** Commissioner Kuntz      **SECOND BY:** Commissioner Zander

To approve the presented Dave Netzer and TMI bill to be paid out of the general buildings and grounds fund.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

Commissioner Franchuk raised concern that two sheriff's department employees attended a Zuercher conference in South Dakota without prior out-of-state travel authorization and made the following motion.

**MOTION BY:** Commissioner Franchuk      **SECOND BY:** None

To have the Sheriff personally reimburse the county for the two employees that traveled to South Dakota in September.

**DISPOSITION:** Motion failed.

### Sheriff Oestreich

Sheriff Oestreich provided his monthly report which included the following:

- 964 calls for service were reported with 333.75 additional courtroom security hours.
- 131 criminal papers were received, 129 were served, and 8 were DNF/Returned;

- There were a total of 302.75 hours of overtime at a cost of \$11,110.36;
- The arrest tally included 119 stops, 8 accidents, 53 citations, and 6 warnings for a total of 67;
- The Sheriff Sales and foreclosures received 6 executions, 3 Sheriff Sale, and revenue of \$1,010.50;
- The truck reg. program had a total of 11 stops with a total of \$23,600.00 in fines;
- 148 civil papers were received and 110 were served;
- Transports included 0 for other counties, 23 criminal, 14 daily court, 0 medical, 6 mental health, and 7 juveniles;
- The monthly income included \$3,441.00 for civil, \$105,789.67 for truck reg, and \$174.00 for fingerprints and \$818.85 for 24/7.

Sheriff Oestreich presented a proposal to replace ten portable radios in the amount of \$56,000. The money is currently in the budget and should be compatible with the new SIRN 20/20 radio system.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Kuntz

To allow the purchase of ten radios at a cost of \$56,000.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

#### **Road Superintendent - Al Heiser**

Mr. Heiser presented his monthly report to include an update on county graveling and a load pass agreement for the Chairman's signature.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Franchuk

To authorize the Chairman's signature on the load pass agreement as presented.

**DISPOSITION:** Motion carried

#### **Hiring Freeze**

Commissioner Zander stated with the year coming to an end and hiring issues, we should reevaluate open positions and see if those positions are still needed.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Hoff

To place a hiring freeze on open county positions until an evaluation can be completed and reviewed.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

#### **Stark Logo**

Five new logo options were presented to county employees to vote for the selection of the new county logo. Ms. Haag presented the selected logo to the Commission.

#### **County Engineer – Andrew Krebs**

Mr. Krebs provided the following monthly report:

- Green River Bridge Structure 45-123-3.0 Replacement – Swingen, Project complete;
- 47<sup>th</sup> Street SW Structure 129-19.0 and 130-19.0 Replacement and 104<sup>th</sup> Ave SW Structure 128-25.0 Replacement – Shep's Welding. Completion of October 19<sup>th</sup>, 2018;

- 35<sup>th</sup> Street SW Green River Bridge Low Water Crossing – Martin, 2018 Construction with a completion of October 19<sup>th</sup>, 2018;
- 119<sup>th</sup> Ave SW Structure 45-113-20.0 Replacement – Bid Nov. 9, 2018 thru the NDDOT, 2019 Construction;
- CMC4537 Structure 45-138-21 Replacement – Bid Nov. 13, 2020 thru the NDDOT, 2021 Construction;
- 112<sup>th</sup> Ave SW (30<sup>th</sup> to 32<sup>nd</sup>) – Reports submitted.

### **Longevity Policy**

Ms. Haag advised our current longevity payment is made in December. Due to the holiday season, she is requesting that the policy be changed to have the longevity payment be paid out in November moving forward.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Hoff

To approve the request to move the longevity payment to November.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

### **OIT – Bakken – CUP**

OIT-Bakken is requesting a one year extension of its conditional use permit for a special waste disposal facility to be located at 3942 125<sup>th</sup> Ave SW in the W ½ of the SW ¼ of the NW ¼ of Section 20, Township 139, Range 98 on approximately 13 acres. The request is coming before the board as they have not started the project yet.

**MOTION BY:** Commissioner Hoff      **SECOND BY:** Commissioner Zander

To approve the conditional use permit extension as presented.

**DISPOSITION:** Motion carried

Commissioner Franchuk advised there is an opening on the City of Dickinson Planning and Zoning Board for anyone that lives in the City's ETZ.

### **Jeremy Wood**

CBP-0045(16)05 99<sup>TH</sup> Ave SW Box Culvert southeast of Lefor – The bid opening was held December 5, 2017 with Martin Construction the low bidder at \$212,822.00. We have recommended pay estimate #1 in the amount of \$194,815.59. Construction is complete.

CBP-0045(15)02 and CBP-0045(15)03 47<sup>th</sup> St SW Box Culverts southwest of Richardton – The bid opening was held May 1, 2018 with Edward H Schwartz Construction the low bidder at \$421,624.00. Construction is expected to be completed within a couple of weeks. We have recommended pay estimate #2 in the amount of \$224,222.46.

COIB-5-983(061) 34<sup>th</sup> Street (between ND 22 and 113<sup>th</sup> Ave.) - Hlebechuk Construction has finished the grading and culvert installation of the west mile. We have recommended pay estimate #1 in the amount of \$86,168.80. County forces have completed the graveling. The east mile will be graded early next summer in preparation for paving.

COIB-5-983(061) 34<sup>th</sup> Street (between ND 22 and 113<sup>th</sup> Ave.) – This project is a joint project between Stark County and the City of Dickinson. We plan on bidding the paving portion of the project in December or January for 2019 construction.

30<sup>th</sup> Street (from ND 22 East 3.1 Miles) – We have the survey complete and the design is approximately 95% complete. We are hoping to be able to obtain easements and bid the project by the end of the year. This three mile section of road is a joint project between Stark and Dunn Counties and planned for 2019 construction.

**Kelly Elkin**

Mr. Elkin introduced himself from Houston Engineering and expressed interest in being considered for engineering services.

**Detention Service Agreement**

A detention service agreement was presented regarding juvenile detention services and the Chairman's signature was requested.

**MOTION BY:** Commissioner Kuntz      **SECOND BY:** Commissioner Hoff

To authorize the Chairman's signature on the agreement as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

**Pay Periods**

Ms. Krebs advised that an automatic time tracking program is being implemented and there is an issue with the current pay periods. As a result the County will need to move to bi-weekly pay periods so employees will be paid real-time. A number of implementation options were reviewed by an accountant and presented.

**MOTION BY:** Commissioner Franchuk      **SECOND BY:** Commissioner Hoff

To move to bi-weekly pay periods starting December 1<sup>st</sup>, 2018.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Franchuk

To allow a no-interest advance to employees with a time limit of 12 months to pay back.

**DISPOSITION:** Roll call vote. Zander-Aye, Hoff-Aye, Franchuk-Aye, Kuntz-Nay, Elkin-Nay. Motion carried

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Hoff

To limit the advance to \$1,000.

**DISPOSITION:** Roll call vote. Zander-Aye, Hoff-Aye, Franchuk-Aye, Kuntz-Nay, Elkin-Nay. Motion carried

**Public Hearing – Frank Hatzenbuhler – Section Line Closing**

A public hearing was held regarding the closing of a section line on 109<sup>th</sup> Ave SW separating Township 138 North, Range 96 West, Sections 2 and 1.

Chairman Elkin opened the public hearing.

Christina Wenko, legal counsel to the land owner, Frank Hatzenbuhler provided an overview of the reason for the request. No additional public input was received.

Chairman Elkin closed the public hearing.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Hoff

To approve the section line closing as presented from Frank Hatzenbuhler.

**DISPOSITION:** Roll call vote. Hoff-Aye, Franchuk-Aye, Zander-Aye, Kuntz-Nay, Elkin-Aye. Motion carried

**Ryan Jilek – Stark Development**

Mr. Jilek provided the Stark Development annual update including an overview of programs offered, increasing outreach on social media, and being awarded the Governor's economic development award. Handouts were provided with additional information to the commission.

**Public Hearing – Delinquent Taxes**

Chairman Elkin opened the public hearing for delinquent taxes.

Ms. Haag presented six delinquent tax properties. There were no comments from the public.

Chairman Elkin closed the public hearing.

These properties will go to sale the 3<sup>rd</sup> Tuesday in November.

**MOTION BY:** Commissioner Hoff      **SECOND BY:** Commissioner Kuntz

To accept the minimum values on the properties as presented.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

**Transport Bellemare Int'l – Anthony Grace**

Mr. Grace stated they had a state permit however they were unaware they needed a county permit. They received a county fine in the amount of \$17,600 and are looking for relief. After this stop they did obtain county permit for subsequent loads. The commission advised Mr. Grace to meet with the State Attorney's office to discuss options.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Kuntz

To deny the request for relief.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

**Kelly Braun – Dickinson Airport (Section Line Closing)**

Mr. Braun advised the court has awarded ownership of the land to the airport authority and they are awaiting a settlement for the appropriate payment of the land. Mr. Braun is requesting the vacation of the section line as they are against federal grant application deadlines. This topic was previously tabled.

**MOTION BY:** Commissioner Zander      **SECOND BY:** Commissioner Kuntz

To take off the table.

**DISPOSITION:** Roll call vote. All voted aye. Motion carried

**MOTION BY:** Commissioner Hoff  
To close the section line as presented.

**SECOND BY:** Commissioner Franchuk

**DISPOSITION:** Roll call vote. Franchuk-Aye, Kuntz-Nay, Hoff-Aye, Zander-Aye, Elkin-Aye. Motion carried

**MOTION BY:** Commissioner Zander

**SECOND BY:** Commissioner Franchuk

To authorize the Commission's signature on the presented order.

**DISPOSITION:** Motion carried

**MOTION BY:** Commissioner Hoff

**SECOND BY:** Commissioner Zander

To adjourn the meeting.

**DISPOSITION:** Motion carried

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Kay Haag, Auditor

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Jay Elkin, Chairman